

REMARK

Claims 13 and 21 have been amended to correct minor errors. No claims have been added or cancelled. Therefore, claims 1-25 are present for examination in this "Request For Continued Examination" reissue application.

First, the Applicant thanks the Examiner for his assistance in this complex and confusing matter. This matter is currently under appeal, but no appeal brief has been filed. At this juncture, the Applicant wishes to abandon the appeal and proceed with a continuation instead. It also appears that two CFR §1.53(b) continuation applications were erroneously filed in this case, and the Applicant wishes to correctly file the application under CFR §1.114. (See MPEP 706.07(h)(XIII)(1).)

In accordance with CFR §1.114, a submission is being made in the form of this preliminary amendment, as well as a previously submitted response (dated May 25, 2001) from the original reissue. See MPEP 706.07(h)(II). The Applicant respectfully submits that all arguments made in the previous response have merit, and that the Examiner from the original reissue failed to recognize this, and failed to address the arguments. For instance, although the attorney that filed the previous response asked the Examiner to cite where in the prosecution history the recapture rule applied, the Examiner merely reiterated arguments from a previous office action.

It is respectfully requested that the arguments from the previous response be carefully considered. Specifically, the Applicant directs the Examiner's attention to page 4 of the Response under the caption "Recapture Rule Bar", in

which the attorney explained why the recapture rule does not apply in this case. The Applicant believes that once these arguments are carefully considered, that claims 1-25 should be in condition for allowance.

Conclusion

For the reasons cited above, claims 1-25 are thought to be in condition for allowance. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to call the undersigned at (303) 740-1980.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: June 26, 2002



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Version With Markings Showing Changes Made

Presented below are the claim amendments showing changes made.

13. (Once Amended) The wireless communication system of claim 12,
wherein said first transmission frequency is from a first set comprised of a
limited first predetermined number of frequencies and wherein said
second transmission frequency [if] is from a second set comprised of a
limited second predetermined number of frequencies.

21. (Once Amended) A multiple user wireless communication system,
comprising:

a plurality of cells; and

a base station located in each cell;

wherein transmitters in a first cell are assigned a first code for modulating
radio communication in said first cell;

whereby radio signals used in said first cell are spread across a bandwidth
sufficiently wide that receivers in a second cell, said second cell
being adjacent to said first cell, may distinguish communication
which originates in said first cell from communication which
originates in said second cell;

whereby said first cell using said first code is not adjacent to any other cell
using said first code;

wherein said base station transmits over a first frequency; and

wherein user stations in communication with said base station transmit
over a second frequency different from said first frequency.